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Attorneys for Plaintiff
Tonie M. Pugh

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

| | | |
|-------------------------------|---|-------------------------------------|
| TONIE M. PUGH, |) | Case No.: 2:22-cv-01674-AC |
| Plaintiff, |) | |
| vs. |) | STIPULATION AND PROPOSED |
| |) | ORDER FOR THE AWARD AND |
| KILOLO KIJAKAZI, |) | PAYMENT OF ATTORNEY FEES |
| Acting Commissioner of Social |) | AND EXPENSES PURSUANT TO |
| Security, |) | THE EQUAL ACCESS TO JUSTICE |
| |) | ACT, 28 U.S.C. § 2412(d) AND |
| Defendant. |) | COSTS PURSUANT TO 28 U.S.C. § |
| |) | 1920 |

TO THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE OF
THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, subject to the approval of the Court, that Tonie M. Pugh be awarded attorney fees and expenses in the amount of two thousand three hundred dollars (\$2,300.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

1 After the Court issues an order for EAJA fees to Tonie M. Pugh, the
2 government will consider the matter of Tonie M. Pugh's assignment of EAJA fees
3 to Matthew F. Holmberg. The retainer agreement containing the assignment is
4 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
5 the ability to honor the assignment will depend on whether the fees are subject to
6 any offset allowed under the United States Department of the Treasury's Offset
7 Program. After the order for EAJA fees is entered, the government will determine
8 whether they are subject to any offset.

9 Fees shall be made payable to Tonie M. Pugh, but if the Department of the
10 Treasury determines that Tonie M. Pugh does not owe a federal debt, then the
11 government shall cause the payment of fees, expenses and costs to be made
12 directly to Law Offices of Lawrence D. Rohlfig, Inc., CPC, pursuant to the
13 assignment executed by Tonie M. Pugh.¹ Any payments made shall be delivered to
14 Matthew F. Holmberg.

15 This stipulation constitutes a compromise settlement of Tonie M. Pugh's
16 request for EAJA attorney fees, and does not constitute an admission of liability on
17 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
18 shall constitute a complete release from, and bar to, any and all claims that Tonie
19 M. Pugh and/or Matthew F. Holmberg including Law Offices of Lawrence D.
20 Rohlfig, Inc., CPC may have relating to EAJA attorney fees in connection with
21 this action.

22 This award is without prejudice to the rights of Matthew F. Holmberg and/or
23 the Law Offices of Lawrence D. Rohlfig, Inc., CPC to seek Social Security Act
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
2 the EAJA.

3 DATE: July 12, 2023

Respectfully submitted,

4 LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

5 /s/ *Matthew F. Holmberg*

6 BY:

Matthew F. Holmberg
Attorney for plaintiff Tonie M. Pugh

8
9 DATED: July 12, 2023

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Social Security Administration

12
13 /s/ *Geralyn A. Gulseth*

14 GERALYN A. GULSETH
Special Assistant United States Attorney
Attorneys for Defendant
KILOLO KIJAKAZI, Acting Commissioner of
Social Security (Per e-mail authorization)

17
18
19 **ORDER**

20 Approved and so ordered:

21 DATE: November 29, 2023

22 *Allison Claire*
23 ALLISON CLAIRE
24 UNITED STATES MAGISTRATE JUDGE
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